

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Dec 18, 2023**

SEAN F. McAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

MYLA KURTZ, Individually and On  
Behalf of All Others Similarly Situated,

Plaintiff,

vs.

RHHC TRIOS HEALTH, LLC, et al.,

Defendants.

No. 4:19-cv-05049-MKD

ORDER ON STIPULATED  
MOTION TO DISMISS OPT-INS OF  
COLLECTIVE

**ECF No. 255**

Before the Court is the parties' Stipulated Motion to Dismiss Opt-Ins Out of Collective, ECF No. 255. Plaintiff seeks to dismiss without prejudice the claims of 52 putative FLSA collective members that have filed Opt-In forms. ECF No. 255. On September 17, 2021, the Hon. Rosanna M. Peterson issued an Order finding that the Court had no personal jurisdiction over the claims of opt-in members that could not demonstrate a connection between the alleged conduct of a defendant and Washington state. ECF No. 112. The instant Stipulated Motion dismisses the claims of Opt-In Plaintiffs that did not work for Defendants in Washington state.

1 Pursuant to Fed. R. Civ. P. 41(a)(1)(A)(ii) and LCivR 41(a)(1)(B), a plaintiff  
2 may dismiss an action without court order by filing a Stipulated Motion to Dismiss  
3 signed by all parties who have appeared. The Stipulated Motion is signed by  
4 counsel for all parties.

5 Accordingly, **IT IS ORDERED:**

6 1. The parties' Stipulated Motion to Dismiss Opt-Ins Out of Collective,  
7 **ECF No. 255**, is **GRANTED**.

8 2. The claims of the opt-in plaintiffs listed in the parties' Stipulated  
9 Motion, **ECF No. 225 at 3-4**, are **DISMISSED without prejudice** and without an  
10 award of fees or costs.

11 **IT IS SO ORDERED.** The District Court Executive is directed to file this  
12 order and provide copies to counsel.

13 DATED December 18, 2023.

14  
15 *s/Mary K. Dimke*  
MARY K. DIMKE  
16 UNITED STATES DISTRICT JUDGE  
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